

**Permitting & Assistance Branch Staff Report**  
New Solid Waste Facilities Permit for the  
Allan Company Fresno Material Recovery Facility  
SWIS No. 10-AA-0229  
October 6, 2016

**Background Information, Analysis, and Findings:**

This report was developed in response to the Fresno County Department of Public Health Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the Allan Company Fresno Material Recovery Facility, SWIS No. 10-AA-0229, located in Fresno County and owned by 2525 Sunland Avenue, LLC and operated by Allan Company. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on August 23, 2016. A new proposed permit was received on October 4, 2016. Action must be taken on this permit no later than December 3, 2016. If no action is taken by December 3, 2016, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

The following are the key design parameters of the proposed project:

	Proposed Permit
Operator	Allan Company
Owner	2525 Sunland Ave, LLC
Facility Type	Large Volume Transfer/Processing Facility/Materials Recovery Facility
Proposed Hours/Days of Operation	24 Hours/Day, 7 Days/Week (See TPR for specific hours of activities)  (Municipal & Commercial Receiving, Processing and Transfer - 24 Hours/Day, 7 Days/Week; Public Hours - Monday – Friday 5:00 AM – 6:00 PM, Saturday 6:00 AM – 5:00 PM, Closed (New Year's Day, Memorial Day, Labor Day, Thanksgiving and Christmas)
Proposed Maximum Tonnage	1,000 Tons per Day
Proposed Traffic Volume	268 One Way Vehicle Trips
Proposed Area (acres)	11.95 acres
Design Capacity	1,250 Tons per Day
Waste Types	Construction and demolition debris, e-waste, incidental tires, mixed municipal solid waste.

**Background:**

The proposed new Material Recovery Facility (MRF) will utilize existing structures for material processing operations and storage of baled recyclables. The facility is designed for a peak throughput of 1,250 Tons per Day (TPD), but will be permitted for a maximum throughput of 1,000 TPD. Additional specifications are provided in the table above.

**Findings:**

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated August 18, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report is not required for a new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on October 4, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on August 23, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element as described in the memorandum dated September 19, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer/Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on August 23, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 21, 2016. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record is adequate for use to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

Permitting & Assistance Branch staff have determined that the design and operations described in the submitted Transfer Processing Report, dated October 3, 2016, will allow the proposed facility to comply with State Minimum Standards.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Fresno, Development and Resource Management Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The activities that will be authorized by the issuance of the proposed permit include: Operation of a Large Volume Transfer/Processing Facility/Material Recovery Facility; Hours of operation 24 Hours/Day, 7 Days/Week for Municipal & Commercial Receiving, Processing, Transfer, and open to the public Monday – Friday 5:00 AM – 6:00 PM and Saturday 6:00 AM – 5:00 PM, Closed (New Year's Day, Memorial Day, Labor Day, Thanksgiving and Christmas); permitted maximum tonnage will be 1,000 TPD; permitted traffic volume will be 268 vehicles per day; and permitted acreage will be 11.95 acres. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2014061053, was circulated for a 30 day comment period from June 16, 2014 to July 15, 2014. The project analysis concluded that any physical environmental impacts caused by the

project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on September 8, 2014 and a Notice of Determination (NOD) was filed with the State Clearinghouse on March 23, 2015.

The Fresno County Department of Public Health (LEA), has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 21, 2016, at 10:00 AM at the Allen Company Fresno Material Recovery Facility located at 2525 S. Sunland Avenue in the City of Fresno. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on September 20, 2016. No comments were received by Department staff.